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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,351	07/30/2003	Andrew W. Gordon	8021-30	9298

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EXAMINER

MENON, KRISHNAN S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 10/630,351	<b>Applicant(s)</b> GORDON ET AL.	
	<b>Examiner</b> Krishnan S. Menon	<b>Art Unit</b> 1723	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Krishnan S. Menon. (3) \_\_\_\_\_  
 (2) Stanley Kim. (4) \_\_\_\_\_

Date of Interview: 02 February 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: attached.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: attached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Summary

Applicant submitted a set of draft claims for the interview, which is attached, and enquired about possible allowable subject matter.

In response: The draft claims were found to be directed to an invention that is independent or distinct from the invention originally claimed/elected for the following reasons: Pending claims by election of 10/20/05 belong to Class 210/170 or 747. The new set of claims are for desalination, which belong in class 203 or 208, and are for a different invention. Since applicant has received an action on the merits for the originally presented/elected invention, these claims if presented would be restricted. Applicant was advised to add limitations based on "membrane separation" or "reverse osmosis" in the claims to be considered, if presented in the response to the pending office action.

With respect to patentability, the claims would require further search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K S Menon', written in a cursive style.

Krishnan S. Menon  
Patent Examiner  
2/2/06



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## FACSIMILE COVER SHEET

**DATE:** January 31, 2006  
**FROM:** Stanley A. Kim, Ph.D., Esq.  
**RE:**  
Application Serial No. 10/630,351 - Filing Date: July 30, 2003  
**NUMBER OF PAGES:** 3 (Including this Cover Page)

If there are any problems or complications, please immediately notify my assistant, Carmen Panizzi, at (561) 838-4569.

**TO:** COMMISSIONER FOR PATENTS  
**ATTN.:** Examiner Krishnan S. Menon  
**ART UNIT:** 1723  
**FAX NO.:** 1-571-273-1143

### COMMENTS:

Enclosed herewith is a set of draft claims to be discussed in a telephonic interview. Kindly review the document and contact us with a date and time which is convenient for you to conduct the 2<sup>nd</sup> telephonic interview.

Please do not hesitate to contact us, should you have any questions.

Thank you.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (IF LONG DISTANCE, PLEASE CALL COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

WPB:205691:1

RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.

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**[Unofficial Correspondence For Discussion Purposes Only]****DRAFT CLAIMS FOR TELEPHONIC INTERVIEW WITH****EXAMINER MENON****FAX NO. 571-273-1143****RE: PATENT APPLICATION NO. 10/630,351**

Examiner Menon: These claims would be generic to the elected species. We would add additional claims consistent with the presently pending claim,

A. A system for desalinating water to yield desalinated water and a concentrate, the system comprising:

- a first sea-going vessel being positioned on the surface of a body of seawater;
- a water desalination system installed on the first sea-going vessel, the water desalination system capable of removing salt from seawater;
- a water intake system installed aboard the first sea-going vessel, the water intake system configured to transport seawater from the body of seawater to the water desalination system;
- a concentrate discharge system installed aboard the first sea-going vessel, the concentrate discharge system configured to discharge the concentrate from the first sea-going vessel into the body of seawater;
- a mixing system installed aboard the first sea-going vessel, the mixing system in communication with the water desalination system and the concentrate discharge system and configured to dilute the concentrate with seawater before the concentrate is discharged into the body of seawater via the concentrate discharge system; and
- a desalinated water transfer system installed aboard the first sea-going vessel, the desalinated water transfer system configured to transfer desalinated water from the water desalination system to a means for delivering desalinated water from the first sea-going vessel to a land-based distribution system.

B. The system of claim A, wherein the mixing system comprises a mixing tank in which the concentrate is diluted with seawater prior to discharge of the concentrate from the first sea-going vessel into the body of seawater via the concentrate discharge system.

C. The system of claim B, wherein the mixing tank comprises a concentrate inlet, a concentrate outlet, a series of baffles, and a mixing barrier.

D. The system of claim B, wherein the mixing tank comprises a concentrate inlet, a concentrate outlet, an intake for seawater used to dilute the concentrate, and a device for mixing the concentrate and seawater used to dilute the concentrate to form a substantially homogenous mixture.

E. The system of claim D, wherein the device for mixing the concentrate and seawater used to dilute the concentrate to form a substantially homogenous mixture comprises a high speed paddle mixer.

WPB:228690:1

**[Unofficial Correspondence For Discussion Purposes Only]**

F. The system of claim D, wherein the device for mixing the concentrate and seawater used to dilute the concentrate to form a substantially homogenous mixture comprises a static mixer.

WPB:228690:1